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12-27-01

PTO/SB/01 (11_00)
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UTILITY PATENT APPLICATION TRANSMITTAL

Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	VIXS 033
First Inventor	Jame Girardeau
Title	METHOD AND APPARATUS FOR ESTABLISHING
Express Mail Label No.	EVD53321673US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

- ☒ Fee Transmittal Form (e.g. PTO/SB/17)
(submit an original and a duplicate for fee processing)
Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Specification [Total Pages 32]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R&D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings *(if filed)*
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Pages 4]
- Oath or Declaration [Total Pages 3]
 - ☒ Newly executed (original or copy)
Copy from a prior application (37 CFR 1.63 (d))
 - ☐ *(for continuation/divisional with Box 18 completed)*
 - ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program *(Appendix)*
- Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
 - ☐ Computer Readable Form (CRF)
 - Specification Sequence Listing on:
 - ☐ CD-ROM or CD-R (2 copies); or
 - ☐ paper
 - ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

- ☒ Assignment Papers (cover sheet & documents(s))
- ☐ 37 CFR 3.73(b) Statement ☒ Power of Attorney
(when there is an assignee)
- ☐ English Translation Document *(if applicable)*
- ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
- ☐ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
- ☐ Request and Certification under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☐ Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: _____
Prior application information: Examiner: _____ Group Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label ☒ Correspondence address below

Name	Timothy W. Markison				
Address	P.O. Box 160727				
City	Austin	State	TX	Zip Code	78716-0727
Country	USA	Telephone	(512) 342-0612	FAX	(512) 342-1674

Name (Print/Type)	Timothy W. Markison	Registration No. (Atty/Agent)	33,534
Signature	<i>Tim Markison</i>	Date	12/07/01

SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

**FEE TRANSMITTAL
for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) \$533.00**Complete if Known**

Application Number	
Filing Date	
First Named Inventor	James Girardeau
Examiner Name	
Group Art Unit	
Atty Docket No.	VIXS 033

METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number

Deposit Account Name

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17☒ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Fee Description	Fee Paid
Utility filing fee	370.00
Design filing fee	
Plant filing fee	
Reissue filing fee	
Provisional filing fee	
SUBTOTAL(1)	(\$) 370.00

2. EXTRA CLAIM FEES

Fee From Below

Extra Claims	Fee Paid
Total Claims <input type="text" value="29"/> -20** <input type="text" value="9"/> X <input type="text" value="9"/> = <input type="text" value="81.00"/>	
Independent Claims <input type="text" value="4"/> -3** <input type="text" value="1"/> X <input type="text" value="42"/> = <input type="text" value="42.00"/>	
Multiple Dependent <input type="text"/>	

Fee Description

Claims in excess of 20

Independent claims in excess of 3

**Reissue independent claims over original patent

**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 123.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3.. ADDITIONAL FEES****Fee Description**

Surcharge-late filing fee or oath

Surcharge- late provisional filing fee or cover sheet

Non-english specifications

For filing a request for ex parte reexamination

Requesting publication of SIR prior to Examiner action

Requesting publication of SIR after Examiner action

Extension for reply within first month

Extension for reply within second month

Extension for reply within third month

Extension for reply within fourth month

Extension for reply within fifth month

Notice of Appeal

Filing a brief in support of appeal

Request for oral hearing

Petition to institute a public use proceeding

Petition to revive - unavoidable

Petition to revive unintentional

Utility Issue Fee (or reissue)

Design Issue Fee

Plant Issue Fee

Petitions to the Commissioner

Processing fee under 37 CFR 1.17(q)

Submissions of Information Disclosure Stmt

Recording each patent assignment per property (times number of properties)

\$40.00

Filing a submission after final rejection (37 CFR 1.129(a))

For each additional invention to be examined (37 CFR 1.129(b))

Request for Continued Examination (RCE)

Request for expedited Examination of design application

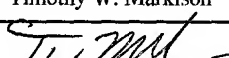
Other fee (specify)

Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

\$40.00

SUBMITTED BY**Complete (if applicable)**

Name (Print Type)	Timothy W. Markison	Registration No.	33,534	Telephone	(512) 342-0612
Signature		(Attorney Agent)		Date	12/17/01

SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor

James Girardeau

Title

METHOD AND APPARATUS FOR ESTABLISHING
NON-STANDARD DATA RATES IN A WIRELESS

Atty Docket Number

VIXS 033

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

12/17/01

Date



Signature

Timothy W. Markison

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**